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SAN MATEO COUNTY SUPERINTENDENT
OF SCHOOLS, JEAN HOLBROOK, JEANNIE
BOSLEY, CAROL PEX

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAITHIRA NJENGA,

Plaintiff,

vs.

SAN MATEO COUNTY SUPERINTENDENT
OF SCHOOLS; JEAN HOLBROOK, In Her
Individual and Official Capacities; JEANNIE
BOSLEY, In Her Individual and Official
Capacities; CAROL PEX, In Her Individual
And Official Capacities; and DOES 1
THROUGH 10,

Defendants.

Case No: C08-04019 EDL

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY CASE
MANAGEMENT ORDER**

[FRCP 16(b)(4)]

1 Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiff Waithira Njenga and
2 Defendants San Mateo County Superintendent of Schools, Jeannie Bosley, and Jean Holbrook
3 hereby stipulate as follows:

4 WHEREAS, the parties enter into this stipulation to extend lay and expert discovery
5 deadlines for good cause shown; and

6 WHEREAS, pursuant to the Court's May 15, 2009 Order Following Further Case
7 Management Conference (and at the stipulated request of the parties), lay discovery cutoff was
8 extended to June 5, 2009, dispositive motions filing cut-off to June 23, 2009, initial expert
9 disclosures to August 11, 2009, expert discovery cut-off to September 8, 2009, with pretrial
10 conference and trial remaining scheduled on October 20, 2009 and November 9, 2009; and

11 WHEREAS, since the recent Further Case Management Conference, the parties have met
12 and conferred and come to partial agreement about a discovery dispute, exchanged nearly 2000
13 pages of documents, engaged in five depositions, and submitted part of a remaining discovery
14 dispute to the Court for in camera review; and

15 WHEREAS, there remains a discovery dispute about the discoverability of information
16 related to legal claims of discrimination against Defendants still to be resolved; and

17 WHEREAS, Plaintiff has begun but is unable to complete the depositions of Defendants
18 until completion of the Court's in camera review; and

19 WHEREAS, the parties experienced delays in locating approximately four additional
20 witnesses whose depositions still need to be taken; and

21 WHEREAS, there was a delay in completing the last three hours of Plaintiff's deposition
22 because of clerical error and because of Plaintiff's mental health status which remains delicate;
23 and
24

25 WHEREAS, it has become clear to the parties that, despite diligent efforts, their
26 stipulated request to extend lay discovery to June 5, 2009 (rather selecting the later dates and
27 time frame so graciously offered by the Court at the time), was based upon an overly optimistic
28 assessment; and

1 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE**, based
 2 on the foregoing circumstances, to beseech the Court again to modify its Case Management
 3 Order for good cause to vacate the November 9, 2009 trial date, as well as the other deadlines
 4 and dates in the current scheduling order, to assign a new trial date in March 2010, and establish
 5 the following additional scheduling dates:

6 Fact discovery Cut-Off	August 31, 2009
7 Initial Expert Disclosure	September 15, 2009
8 Rebuttal Expert Disclosures	September 30, 2009
9 Expert Discovery Cut-Off	October 23, 2009
10 Dispositive Motion Hearing	December 15, 2009
11 Pre-Trial Conference Date	February 19, 2010

13 DATED: June 4, 2009

14 /s/
 15 FANIA E. DAVIS
 Attorney for Plaintiff
 WAITHIRA NJENGA

16 DATED: June 4, 2009

17 /s/
 18 JOHN SHUPE
 SHUPE AND FINKELSTEIN
 Attorneys for Defendants
 19 SAN MATEO COUNTY
 SUPERTINTENDENT OF SCHOOLS

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 25 The pretrial conference is scheduled for February 16, 2010. Trial
 IT IS SO ORDERED. is scheduled for March 8, 2010.

26 DATED: June 15, 2009

27 ELIZABETH
 28 United States



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